

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.7945 of 2009

ORDER:

The petitioner applied for grant of quarry lease for gravel in an extent of Acs.35.71 cents of land in Survey Nos.652 and 652-A of Kothapeta Village, Gooty Mandal, Anantapur District. He states that though the said application was pending, it was noticed that the 5th respondent was quarrying in the said area illegally.

In those circumstances, the petitioner filed the present Writ Petition seeking action against the 5th respondent and also to consider his application for grant of quarry lease.

A counter affidavit is filed on behalf of the respondents stating that the 5th respondent, who was executing the work of National Highways, filed an application before the Tahsildar seeking permission to excavate earth for formation of bypass road on NH-7 in Survey No.652 B over an extent of Acs.8.00 cents of land in Kothapeta Village, Gooty Mandal, Anantapur District. It is stated that the 5th respondent was issued No Objection Certificate on 09.10.2007, in view of the importance of National Highways Project and accordingly the 5th respondent paid an amount of Rs.6,21,86,545/- towards seigniorage fee and hence, there is no violation committed by the 5th respondent. It is further stated that in respect of the application of the petitioner for quarry lease, the area was inspected by the respondents on 26.05.2009 in the presence of the petitioner and it was noticed that there was no material available for excavation in Survey No.652. In view of the same, the application of the petitioner was not considered.

Since the leased area applied by the petitioner was inspected in the presence of the petitioner and no material was found,

no direction can be issued to the respondents to consider the application of the petitioner. However, this will not preclude the petitioner from applying afresh in accordance with law for any other area.

The Writ Petition is accordingly dismissed. There shall be no order as to costs.

The miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date:19.04.2016

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